

Remarks

Applicants are concurrently filing a Request for Continued Examination and a petition for a one month extension of time. Reconsideration of the application is respectfully requested.

The undersigned attorney and the lead inventor Naveen Chopra wish to thank the Examiner for the courtesies extended by her during the telephone conference of July 17, 2006. The Interview Summary sent by the Examiner correctly summarizes the substance of the interview: "Applicant explains that adding an amphiphile to the complex coacervation process would compromise the integrity of the coacervate wall forming around the oil droplet. Thus, the combination of Chopra and Nair or Klaveness would not give the same product as presently claimed."

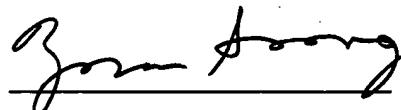
The Examiner rejects the claims under 35 USC 103(a) as being unpatentable over Chopra et al., US Patent 6,488,870 or Chopra et al., US Patent 6,492,025 in view of Nair et al., US Patent 5,429,826, or Klaveness et al., US Patent 5,536,490. This rejection is respectfully traversed. Both Chopra '870 and Chopra '025, the primary references, disclose capsules having a complex coacervation induced shell (also referred herein as "complex coacervate shell") and a process for producing the complex coacervate shell. Applicants emphasize that one cannot simply add an amphiphile (disclosed in the secondary references Nair and Klaveness) to the complex coacervation process because addition of the amphiphile would compromise the integrity of the coacervate wall forming around the droplet. This is an important point discussed in detail during the telephone conference. Moreover, there is absent any motivation or suggestion in the primary and secondary references to modify a complex coacervation process to one producing the presently claimed micelle shell comprising polymerized amphiphile molecules. Thus, the present claims are patentable over the primary and secondary references.

Applicants disagree with the Examiner's position that the dependent claims are unpatentable in view of the references relied upon by the Examiner, but need not at this time specifically address the Examiner's comments regarding these dependent claims since independent claim 1 is patentable over

these references and thus the dependent claims are also patentable over these references.

In view of the foregoing, the present application is in condition for allowance. In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-4292, Rochester, NY.

Respectfully submitted,



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